

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEWELL L. deROCHE,

Plaintiff,

v.

UNITED HEALTHCARE,

Defendant

No. C-06-0865 MMC

**ORDER ENTERING JUDGMENT IN  
FAVOR OF DEFENDANT**

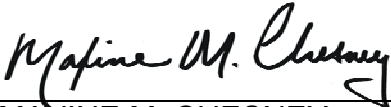
On July 26, 2006, the Court granted defendant's motion for summary judgment on the ground that plaintiff's claims, all based on common law breach of contract, are preempted by the Employee Retirement Income Security Act of 1974 ("ERISA"). The Court afforded plaintiff leave to file an amended complaint, no later than August 25, 2006, for the purpose of asserting an ERISA claim, and advised plaintiff that if he did not file an amended complaint by that date, judgment would be entered. On August 31, 2006, the Court granted in part plaintiff's motion for an extension, and extended the deadline from August 25, 2006 to September 29, 2006. To date, plaintiff has neither filed an amended complaint nor sought a further extension of time to do so.

Accordingly, judgment is hereby ENTERED in favor of defendant, pursuant to the Court's July 26, 2006 order.

The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: October 4, 2006

  
MAXINE M. CHESNEY  
United States District Judge